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Superior Court Of California
County Of Los Angeles

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

BC686996

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAULINA SIGALA, an individual; GUADALUPE
MARIE JUAREZ also known as GUADALUPE
MARIE SIGALA, an individual; and DOES 1
through 50, inclusive,

Defendants.

CASE NO.:

**COMPLAINT FOR ABATEMENT
AND INJUNCTION**

[HEALTH & SAFETY CODE SECTION
11570, *ET SEQ.*]

(Unlimited Action)

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

I. INTRODUCTION

1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the State of California (the "People"), for the purpose of abating, preventing and enjoining a gang and narcotics-related public nuisance that exists at a single family dwelling located in the El Sereno neighborhood of Northeast Los Angeles with an address commonly known as 3710 Locke Avenue, Los Angeles CA 90032 (the "Property"). The Action is brought pursuant to the Narcotics Abatement Law ("NAL"), California Health and Safety Code section 11570, *et seq.* The Property lies within 617 feet of the El Sereno Elementary School and within 944 feet of

1 the El Sereno Early Education Day Care Center.

2 2. The Property, located in the Los Angeles Police Department's ("LAPD")
3 Hollenbeck Division, has been, and continues to be, a narcotics nuisance where the sale of
4 heroin and methamphetamine and other controlled substances takes place on a regular and
5 continuous basis to steady streams of drug users and buyers who walk, bike and drive up to
6 the Property to purchase drugs. The Property has, and continues to have, a well-known
7 reputation in the surrounding community and with LAPD as a prominent gang-controlled
8 narcotics sales location. During the past 16 months, law enforcement has made seven
9 narcotics-related arrests, including for narcotics sales, at or connected to the Property and
10 served two narcotics search warrants at the Property which resulted in the recovery of
11 narcotics.

12 3. Defendant Paulina Sigala ("Defendant Sigala"), a 71-year-old woman, has
13 owned the Property since February 16, 2017. Defendant Sigala's daughter, Guadalupe Marie
14 Juarez also known as Guadalupe Marie Sigala ("Defendant Juarez"), age 50, has lived at the
15 Property since at least 2016. Defendant Juarez has been arrested twice at the Property for
16 narcotics-related offenses.

17 4. During an August 30, 2016 search warrant execution, officers recovered
18 methamphetamine, marijuana, and 88 balloons containing heroin from the bedroom of
19 Defendant Juarez. Additionally, numerous counter-surveillance cameras were mounted
20 around the exterior of the Property that provided live feed into a monitor inside Defendant
21 Juarez's bedroom. Defendant Juarez was arrested for possession for sales of heroin,
22 methamphetamine, and marijuana.

23 5. The most recent narcotics search warrant was served at the Property last
24 month. During that November 16, 2017 search warrant execution, officers recovered
25 methamphetamine, digital scales, and two EBT cards, which LAPD believes were exchanged
26 for narcotics in lieu of cash.¹ Again, numerous counter-surveillance cameras were observed
27

28

¹ EBT cards can be used like cash for certain items at stores and, according to LAPD, drug users will trade this form of public assistance for narcotics when they do not have cash on hand.

1 around the exterior of the property with a monitor discovered inside the residence. Defendant
2 Juarez was arrested for possession of methamphetamine for sales and maintaining a house
3 hold where narcotics are sold. Defendant Juarez was sharing a bedroom with documented El
4 Sereno gang member Frank Marquez, with the gang moniker of "Lil Marky", who was also
5 arrested for the same offenses as Juarez. Another documented El Sereno gang member,
6 Hector Torres, with the gang moniker of "Joker", was arrested for possession of
7 methamphetamine for sales.

8 6. Plaintiff is filing this lawsuit in an effort to protect public safety. The people in
9 the surrounding neighborhood cannot be expected to perpetually endure this continual
10 nuisance activity. The nuisance abatement prosecution is intended to bring the unacceptable
11 state of affairs at the Property to a halt; to make the Property inhospitable to the gang
12 members and drug dealers who now freely use it to deal narcotics; and to make the Property
13 safe for people in the area.

14 **II. THE PARTIES AND THE PROPERTY**

15 **A. Plaintiff**

16 7. Plaintiff, the People, is the sovereign power of the State of California designated
17 in California Health and Safety Code section 11571 to be the complaining party in actions
18 brought to abate, enjoin, and penalize public narcotics nuisances.

19 **B. The Defendants**

20 8. Defendant Sigala is the owner of the Property and has been since February 16,
21 2017. Plaintiff is informed and believes and thereon alleges that Defendant Sigala does not
22 currently reside at the Property. From January 13, 2016 to February 16, 2017, the Property
23 was owned by Lester Alvarez. Plaintiff is informed and believes and thereon alleges that the
24 sale of the Property to Defendant Sigala may not have been an arm's length transaction as
25 Lester Alvarez's wife is the cousin of Defendant Juarez.

26 9. Defendant Juarez is the adult daughter of Defendant Sigala and has been
27 residing at the Property since at least 2016. Defendant Juarez is directly involved in the
28 narcotics activity at the Property and is allowing gang members to live and "hangout" at the

1 Property and sell narcotics there. On August 11, 2017, Defendant Juarez was criminally
2 convicted of possession of a controlled substance for sales related to the August 30, 2016
3 search warrant and subsequent arrest.

4 10. The true names and capacities of defendants sued herein as Does 1 through
5 50, inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious
6 names. When the true names and capacities of said defendants have been ascertained,
7 Plaintiff will seek leave of Court to amend this complaint and to insert in lieu of such fictitious
8 names the true names and capacities of said fictitiously named defendants.

9 **C. The Property**

10 11. The Property is a single-family residence located at the commonly known
11 address of 3710 Locke Avenue, Los Angeles, CA 90032.² It is a four bedroom, approximately
12 1,164 square foot, one-story home located in a quiet residential neighborhood. The rear
13 detached garage may have been illegally converted into a residence.³ The backyard of the
14 Property has several recreational vehicles and cars in which individuals are residing.
15 Clothing, pet feces, and trash litter the rear yard.

16 **III. THE NARCOTICS ABATEMENT LAW**

17 12. The abatement of a nuisance is a long-established and well-recognized exercise
18 of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775; *People ex rel.*
19 *Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the
20 principal purpose of the NAL (Health & Saf. Code, § 11570, *et seq.*) is the abatement of
21 buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping,
22 manufacturing, or giving away any controlled substance, precursor, or analog specified in this
23 division" (Health & Saf. Code, § 11570).

24 13. The NAL provides that every building or place used for the purpose of unlawfully
25 selling, serving, storing, keeping, manufacturing, or giving away any controlled substance,
26

27 ² The Property's legal description is "Lot 33 of Baird's Pasadena Short Line Tract as per map recorded in Book 4,
28 Page 4 of Maps, in the office of the county recorder of said county," with Assessor's Parcel Number 5306-012-023.

³ Los Angeles Department of Building and Safety currently has an open investigation of the Property regarding the illegal garage conversion.

1 precursor, or analog *inter alia*, "is a nuisance which **shall** be enjoined, abated, and
2 prevented . . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570
3 (emphasis added); *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v.*
4 *Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

5 14. Health and Safety Code section 11571 authorizes a city attorney to bring an
6 action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part:
7 "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept,
8 maintained, or exists in any county, the district attorney of the county, or the city attorney of
9 any incorporated city or of any city and county, in the name of the people, may . . . maintain
10 an action to abate and prevent the nuisance and perpetually to enjoin the person conducting
11 or maintaining it, and the owner, lessee, or agent of the building or place in or upon which the
12 nuisance exists from directly or indirectly maintaining or permitting the nuisance."

13 15. Health and Safety Code section 11573(a) provides that: "If the existence of the
14 nuisance is shown in the action to the satisfaction of the court or judge, either by verified
15 complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction
16 to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added.) In
17 addition, Health and Safety Code section 11581 provides, as an additional remedy, for the
18 removal and sale of all fixtures and movable property on the premises used in aiding or
19 abetting the nuisance and for the closure of the building for up to one year.

20 **IV. CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

21 **[Health and Safety Code Section 11570, et seq. --**

22 **Against Defendants and DOES 1 through 50]**

23 16. Plaintiff hereby incorporates by reference paragraphs 1 through 15 of this
24 Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

25 17. The general reputation of the Property in the community and amongst law
26 enforcement is that it is a location where the sale of heroin and methamphetamine and other
27 controlled substances takes place on an open and regular basis by residents, gang members
28 and/or others. Since at least 2016, the Property has been, and is *currently* being used for the

1 purposes of unlawfully selling, serving, storing, keeping, manufacturing or giving away
2 controlled substances in violation of Health and Safety Code section 11570, *et seq.* The
3 Property is being used to store and sell narcotics at and from within the Property to drug users
4 and buyers who are drawn there to purchase and use narcotics.

5 18. Defendants, and Does 1 through 50, are responsible for conducting,
6 maintaining, and/or directly or indirectly permitting the nuisance as alleged herein. Plaintiff
7 has no plain, speedy and adequate remedy at law, and unless Defendants, and Does 1
8 through 50, are restrained and enjoined by order of this Court, they will continue to use,
9 occupy and maintain, and/or to aid, abet or permit, directly or indirectly, the use, occupation
10 and maintenance of the Property, together with the fixtures and appurtenances located
11 therein, for the nuisance complained of herein, to the great and irreparable damage of the
12 public and in violation of California law.

13 **PRAYER**

14 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND**
15 **DECREE AS FOLLOWS:**

16 1. That Defendants, Does 1 through 50, and the Property, be declared in violation
17 of Health and Safety Code section 11570, *et seq.*

18 2. That the Property, together with the fixtures and moveable property therein and
19 thereon, be found to constitute a public nuisance and be permanently abated as such in
20 accordance with Section 11581 of the California Health and Safety Code.

21 3. That the Court grant a preliminary injunction, permanent injunction and order of
22 abatement in accordance with Section 11570, *et. seq.*, of the California Health and Safety
23 Code, enjoining and restraining each Defendant and their agents, officers, employees and
24 anyone acting on their behalf, from unlawfully selling, serving, storing, keeping,
25 manufacturing, or giving away controlled substances on the Property, and/or directly or
26 indirectly maintaining or permitting such nuisance activity.

27 4. That the Court order physical and managerial improvements to the Property in
28 accordance with California Health and Safety Code section 11573.5, and such orders as are

1 otherwise appropriate, to remedy the nuisance on the Property and enhance the abatement
2 process, including but not limited to, a prohibition on Defendant Juarez's presence at or within
3 1000 feet of the Property at any time, for any reason; prohibiting known narcotics users and
4 dealers and gang members from accessing the Property; and strict limitations on who else
5 may be present on the Property at all times.

6 5. That as part of the Judgment, an Order of Abatement be issued, and that the
7 Property be closed for a period of one year, not to be used for any purpose, and be under the
8 control and custody of this Court for said period of time; or, in the alternative, if the Court
9 deems such closure to be unduly harmful to the community, that Defendants, and Does 1
10 through 50, pay an amount of damages equal to the fair market rental value of the Property
11 for one year to the City or County in whose jurisdiction the nuisance is located in accordance
12 with Health and Safety Code section 11581 subdivision (c)(1).

13 6. That Defendants, and Does 1 through 50, each be assessed a civil penalty in an
14 amount not to exceed twenty-five thousand dollars (\$25,000.00).

15 7. That all fixtures and moveable property used in conducting, maintaining, aiding or
16 abetting the nuisance at the Property be removed by the LAPD and sold in the manner
17 provided for the sale of chattels under execution. Said fixtures and property shall be
18 inventoried and a list prepared and filed with this Court.

19 8. That there shall be excepted from said sale, such property to which title is
20 established in some third party not a defendant, nor agent, officer, employee or servant of any
21 defendant in this proceeding.

22 9. That the proceeds from said sale be deposited with this Court for payment of the
23 fees and costs of sale. Such costs may occur in closing said property and keeping it closed,
24 removal of said property, and Plaintiff's costs in the Action, including attorneys' fees, and such
25 other costs as the Court shall deem proper.

26 10. That if the proceeds of the sale do not fully discharge all such costs, fees and
27 allowances, the Property shall also be sold under execution issued upon the order of the
28 Court or judge and the proceeds of such sale shall be applied in a like manner. That any

1 excess monies remaining after payment of approved costs shall be delivered to the owner of
2 said property. Ownership shall be established to the satisfaction of this Court.

3 11. That Defendants, Does 1 through 50, and any agents, trustees, officers,
4 employees and anyone acting on their behalf, and their heirs and assignees, be perpetually
5 enjoined from transferring, conveying, or encumbering any portion of the Property, for
6 consideration or otherwise, without first obtaining the Court's prior approval.

7 12. That Defendants, and Does 1 through 50, be ordered to immediately notify any
8 transferees, purchasers, commercial lessees, or other successors in interest to the subject
9 Property of the existence and application of any temporary restraining order, preliminary
10 injunction, or permanent injunction to all prospective transferees, purchasers, commercial
11 lessees, or other successors in interest, *before* entering into any agreement to sell, lease or
12 transfer the Property, for consideration or otherwise, all or any portion of the Property that is
13 the subject of this Action.

14 13. That Defendants, and Does 1 through 50, be ordered to immediately give a
15 complete, legible copy of any temporary restraining order and preliminary and permanent
16 injunctions to all prospective transferees, purchasers, lessees, or other successors in interest
17 to the Property.

18 14. That Defendants, and Does 1 through 50, be ordered to immediately request and
19 procure signatures from all prospective transferees, purchasers, lessees, or other successors
20 in interest to the subject Property, which acknowledges his/her respective receipt of a
21 complete, legible copy of any temporary restraining order, preliminary and permanent
22 injunction, at least 30 days prior to the close of escrow, and deliver a copy of such
23 acknowledgment to the Los Angeles City Attorney's Office, c/o Deputy City Attorney Jennifer
24 Varela or her designee.

25 15. That Plaintiff recover the costs of this Action, including law enforcement
26 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
27 \$1,000,000.00, from Defendants and Does 1 through 50.
28

1 16. That Plaintiff recover the amount of the filing fees and the amount of the fee for
2 the service of process or notices which would have been paid but for Government Code
3 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
4 amount of the fees for certifying and preparing transcripts.

5 17. That Plaintiff be granted such other and further relief as the Court deems just
6 and proper.

7
8 DATED: December 14, 2017 Respectfully submitted,

9 MICHAEL N. FEUER, City Attorney
10 JONATHAN CRISTALL, Supervising Assist. City Attorney

11
12 By: _____

13 *Jennifer Varela*
14 JENNIFER MARELA, Deputy City Attorney
15 Attorneys for Plaintiff, THE PEOPLE OF THE STATE
16 OF CALIFORNIA
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